1761551N25A - SH-AD-32A (OAS 6/97)

COUNTY OF LOS ANGELES 

SHERIFF'S DEPARTMENT

"A Tradition Of Service"

DATE: July 21, 2011
FILE: SH2260365

OFFICE CORRESPONDENCE

FROM: JOSEPH S. HARTSHORNE, COMMANDER
OFFICE OF THE UNDERSHERIFF

TO: JOSEPH M. GOODEN, CAPTAIN
INTERNAL AFFAIRS BUREAU

**SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:
MICHAEL J. MILLER #[redacted]
MEN'S CENTRAL JAIL**

At approximately 0330 hours, Deputy Miller was sleeping when he heard the sound of the diesel engine of his truck. Deputy Miller stepped out onto the balcony area, which overlooks the front of the house and saw two individuals inside his truck and a male walking southbound on the sidewalk away from the truck.

Deputy Miller armed himself with his authorized off-duty weapon (S&W .38 caliber 2" revolver) and exited the front door of his home. As the truck began to back up slowly out of the driveway, Deputy Miller ran up to the driver's door, identified himself as a police officer and ordered them out of the truck. Deputy Miller began pounding on the driver's window while walking backwards alongside the driver's door.

Deputy Miller heard the engine accelerate and saw the truck suddenly turning. The front end of the truck swung toward Deputy Miller and pushed him. He believed the truck was going to run him over. Deputy Miller removed his revolver from the holster and aimed the weapon at the driver. Fearing for his safety, Deputy Miller fired one round from the hip with his right hand, striking the driver's door (bullet lodged inside driver's door) of the truck.

The driver accelerated backward rapidly and crashed into a vehicle parked across the street. Deputy Miller stepped back to gain distance from the truck. He then pointed the weapon in the driver's direction and ordered the individuals out of the truck. The suspects exited the truck and fled on foot in separate directions. Deputy Miller returned to his house and called 911.

Investigators from Orange County Sheriff's Department arrested the three suspects several days after the incident. Deputy Miller nor the suspects were injured as a result of this incident.

On June 9, 2011 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Michael J. Miller was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Deputy Miller in this incident were within Department policy.

JSH:RSP/rsp

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MISCELLANEOUS DOCUMENTS

- Administrative Rights Force Review form signed by Deputy Miller.